

PATRICK BUELNA, ESQ., SBN 317043
POINTER & BUELNA, LLP
LAWYERS FOR THE PEOPLE
1901 Harrison St., Suite 1140,
Oakland, CA 94612
Tel: 510-929-5400
Email: PBuelna@LawyersFTP.com

Attorneys for Plaintiff KEVIN FRANKLIN

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KEVIN FRANKLIN, an individual,)	Case No.: 20-cv-04090-EMC
)	
Plaintiff,)	STIPULATION AND ORDER TO MODIFY
)	DEFENDANTS' MOTION FOR
v.)	SUMMARY JUDGMENT BRIEFING
)	SCHEDULE AS MODIFIED BY THE
CITY OF BERKELEY, et al.,)	COURT
)	
Defendants.)	

WHEREAS, the parties have worked diligently to conduct discovery and have exchanged written discovery.

WHEREAS, the parties attended a Case Management Conference on June 10, 2021 and the Court directed the parties that they were limited to 5 depositions in total and exchange of key documents only. (Doc. 26).

WHEREAS, Defendant Moore's deposition was taken on September 21, 2021.

WHEREAS, Plaintiff's deposition was taken September 23, 2021.

WHEREAS, Defendant Grover's deposition was taken October 28, 2021.

WHEREAS, the parties will attend a settlement conference on December 2, 2021.

1 WHEREAS, Defendants' filed a motion for summary judgment on October 21, 2021.
2 (Doc. 38).

3 WHEREAS, Plaintiff will require additional discovery to competently oppose the motion
4 including but not limited to: depositions of the remaining Defendant officers, a Rule 30 (b)(6)
5 witnesses and further written discovery per FRCP Rule 56 (d).

6 WHEREAS, Plaintiff will require an additional 90 days to complete the aforementioned
7 discovery to substantively oppose the motion and will need an extension to file his opposition
8 brief of 90 days.

9 WHEREAS, the current motion for summary judgment briefing schedule is as follows:

10 Plaintiff's Opposition Brief – 11/4/2021

11 Defendants' Reply Brief – 11/12/2021

12 Motion Hearing – 12/9/2021 (Doc. 38)

13 WHEREAS, the current motion for summary judgment briefing schedule is as follows:

14 Plaintiff's Opposition Brief – 2/4/2022

15 Defendants' Reply Brief – 2/11/2022

16 Motion Hearing – 3/3/2022 at 1:30 p.m.

17 Settlement Hearing – 4/7/2022 at 1:30 pm

18 For the aforementioned reasons, the parties JOINTLY stipulate and request that the Court
19 MODIFY the motion briefing schedule to allow Plaintiff to collect additional evidence to oppose
20 Defendants' motion and extend the briefing schedule 90 days and the settlement conference
21 deadline to 120 days.

22 Date: November 5, 2021

POINTER & BUELNA, LLP
LAWYERS FOR THE PEOPLE

24 /s/ Patrick Buelna
25 PATRICK M. BUELNA
Attorney for Plaintiff KEVIN FRANKLIN

1 Date: November 5, 2021

2
3 /s/
4 MATTHEW OREBIC
Attorney for Defendants

5 **IT IS SO ORDERED.**

6 **DATE:** 11/9/2021

7 
8 **HON. EDWARD M. CHEN**